



Senate Judiciary Committee

HB 3415A

May 16, 2019

Chair Prozanski, Vice Chair Thatcher, and Members of the Senate Judiciary Committee:

On behalf of The Oregon Attorney General's Sexual Assault Task Force, **I write to urge your strong support of HB 3415A.**

The Sexual Assault Task Force is a private, non-profit, non-governmental statewide agency with over 100 multi-disciplinary members appointed by Attorney General Rosenblum. Members serve as advisors on 1 of 8 subcommittees including: Campus, Criminal Justice, Legislative & Public Policy, Medical-Forensic, Men's Engagement, Offender Management, Prevention Education, and Victim Response.

Our mission is to advance a multi-disciplinary, survivor-centered approach to the prevention of and response to sexual violence in Oregon. Our goal is to prevent sexual violence from happening in the first place, while simultaneously improving our response efforts to mitigate trauma and ensure the safety and security of all victims.

Overview of Campus Sexual Assault-Specific Work in Oregon

The Campus Coordinator of the Oregon Attorney General's Sexual Assault Task Force (SATF) works closely with all public, private two-year community colleges and four-year colleges and universities throughout Oregon in relation to violence prevention and response work, including Title IX. The majority of our work at SATF, including the work we do with campuses, is supported by funding from the Department of Justice, and has seen growth and successes in large part because of the support from the Attorney General and the staff of the Crime Victims' and Survivors' Services Division of Oregon DOJ.

It's been over 40 years since Title IX went into effect, but it has only been in the last decade that we have received the guidance and support necessary to effectively accomplish its goals. Title IX broadens victims' rights and the support services available to students across Oregon, and provides an additional avenue alongside the criminal or civil system in which students can seek relief and justice. Most of all, Title IX furthers a goal that all Oregonians share of students having access to an education free of violence, in which they can reach their greatest potential on and off our campuses.

Oregon is second in the nation (behind Alaska) in rates of sexual violence against women where 1 in 4 women will experience sexual violence in their lifetime, compared to 1 in 5 women nationally¹, and where more than 1 in 3 Native women will be raped in their lifetime². Oregon today is considered a national leader in responding to and preventing campus sexual assault, much of which is due to the commitment that this legislature has made to supporting students as well as our schools in creating spaces that continue to put students first. Highlights of our work include:

Campus Program: SATF houses the first campus program that provides statewide technical assistance and training as well as creating and disseminating state specific resources and guidance pertaining to Title IX and best practices in prevention and response. In 2018, SATF's Campus Program provided training to 1,172 campus-based professionals on 47 campuses in Oregon and around the nation, and assisted campus-based professionals with over 3,000 technical assistance consultations. Accompanying and informing the program is the statewide Campus Committee, which is made up of campus practitioners who serve as an expert body that identifies trends in Title IX, violence prevention and response, and across Oregon campuses. This model of both the Campus Program as well as the statewide committee is now being modeled in other states as a best practice including NY and SC.

Advocate Privilege: In the 2015 legislative session, Oregon passed HB 3476 making Oregon the first state in the country to provide students with privileged, trained advocates on campuses. Since the bill went into effect, **SATF has trained and certified over 200 privileged advocates on campuses** throughout the state and has seen a dramatic shift in reporting numbers. **Since implementation, there has been a 122% increase in reporting of assaults to Title IX officials, and a 138% increase in access to on campus victim services.** Campuses have also reported a dramatic increase in historically under-reported populations now coming forward including LGBTQ students, students of color, male survivors, and immigrant and refugee populations. These increases in students feeling safe to come forward have been so unparalleled that SATF has actively been training nationally on the model to other states looking to implement similar changes. The state of Utah used the language of HB 3476 as well as our collected aggregate data to pass similar legislation in their own state.

Investigator training: Title IX requires that all campus based investigators go through annual training to ensure that they have the expertise and skills to investigate sexual assault cases on campus. SATF created a curriculum that melded best practice, Title IX compliance and trauma-informed interviewing techniques, elevating the skills and expertise of our campus investigators in the state. This curriculum brings together not only campus-based best practices, but also expertise used by community direct services providers, law enforcement investigators and techniques perfected by the military. To date, SATF has trained more than 300 campus investigators in Oregon, and the curriculum model is now being utilized by national organizations and neighboring states.

¹ Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization – National Intimate Partner and Sexual Violence Survey (2011), Centers for Disease Control: https://www.cdc.gov/violenceprevention/pdf/NISVS_Report2010-a.pdf

² Ending Violence Against Native Women, Indian Law Resource Center: <http://indianlaw.org/issue/ending-violence-against-native-women>

Campus Prevention – “Campus Climate Survey Toolkit”: Oregon is also considered a leader in best practice in on-campus prevention. SATF was awarded a grant from the Centers for Disease Control to create a comprehensive resource for campuses to conduct campus climate surveys, giving us more accurate depictions of what students experience on campus, and how we can better prevent violence from occurring. This resource created in partnership with national and statewide experts has been disseminated not only statewide, but nationwide.

Victim Rights and Accountability: Oregon has been identified as a national best practice in Title IX because of the trauma-informed legislation that we have been able to pass pertaining to student victim rights and creating better processes on campuses. In 2017 Oregon passed SB 759, requiring universities to provide student victims with written notification about their rights and options and helping to empower survivors to make the choices best for them. From protecting victims from compulsory participation in hearings to transparency regarding their rights and services available to them, Oregon has continually cemented its commitment to creating safe campuses.

There remains a significant amount of work to accomplish in Oregon as we continue to move practitioners toward best practice and mold policies to better serve students, but as we travel throughout our state and nationally, we are proud to say that we have the privilege of working in Oregon because of the unprecedented reputation that our state brings with it in the arena of Title IX and trauma-informed best practices.

SATF Supports HB 3415A

HB 3415A will help ensure that students and communities who experience violence have access to support, relief, and justice on campus. Nationally 1 in 5 women, 1 in 14 men, and 1 in 4 trans students experience sexual assault while in college³. Sexual harassment is experienced at even higher rates - 62% of women, 43% of men, and 75% of trans students report being sexually harassed in college⁴.

When students are harassed or assaulted, or experience dating violence or stalking, it can severely impact their ability to successfully complete their education. Whether it happens on campus, on a Spring Break trip, at an off-campus apartment, or online, violence and harassment can have serious negative effects on a student's physical, mental, and emotional health as well as their academic performance⁵. Some students who experience sexual violence even end up dropping out of school and never finishing their education⁶. We also know that violence doesn't just affect survivors, but entire

³ Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2015). *Report on the AAU campus climate survey on sexual assault and sexual misconduct*. Rockville, MD: Westat; Krebs, C. P., Lindquist, C. H., Warner, T. D., Fisher, B. S., & Martin, S. L. (2007). *The campus sexual assault study: Final report* (NCJRS Publication No. 221153). Washington, DC. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

⁴ Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2015). *Report on the AAU campus climate survey on sexual assault and sexual misconduct*. Rockville, MD: Westat

⁵ Banyard, V. L., Demers, J. M., & Cohn, E. S. (2017). Academic correlates of unwanted sexual contact, dating violence, and stalking. *Journal of Interpersonal Violence*, <https://doi.org/10.1177/0886260517715022>; Brewer, N., Thomas, K. A., & Higdon, J. (2018). Intimate partner violence, health, sexuality, and academic performance among a national sample of undergraduates. *Journal of American College Health*, *66*(7), 683-69., DOI: 10.1080/07448481.2018.1454929; Jordan, C. E., Combs, J. L., & Smith, G. T. (2014). An exploration of sexual victimization and academic performance among college women. *Trauma, Violence, and Abuse*, *15*(3), 191–200. doi: 10.1177/1524838014520637

⁶ Cecilia, M., & Beverly, M. B. (2016). Violence victimization on a college campus: Impact on GPA and school dropout. *Journal of College Student Retention: Research, Theory & Practice*, *18*(2), 234-248. DOI: 10.1177/1521025115584750; National Academies of Sciences, Engineering, and Medicine. (2018). *Sexual Harassment of Women: Climate, Culture, and*

communities. Survivors' friends, family, classmates, and coworkers are also impacted by violence. They may feel unsafe on campus, may become overwhelmed, or may even experience reactions consistent with trauma like nightmares and feelings of isolation⁷.

HB 3415A helps ensure that victims on campuses across Oregon will continue to have access to justice and options by bringing state law in line with what we know to be best practice, and what is currently being implemented on campuses across Oregon. It ensures that campuses will continue to address all forms of harmful interpersonal violence and harassment that interfere with students' education, regardless of whether they take place on campus, on a Spring Break trip, at an off-campus apartment, or online. It also ensures that schools continue to respond supportively to all students that report violence, and that schools will not be allowed to ignore reports submitted by students.

HB 3415A also ensures that campus-based investigators, Title IX Coordinators, and others involved in the investigation and adjudication process continue to receive the proper training to fulfill their roles. Research and national best practice shows us that sexual assault investigators do their best work when they receive training on trauma-informed investigation and interviewing practices, and when bias and myths are broken down through conversations about the dynamics of sexual violence and the neurobiology of trauma.⁸ In-depth training on these topics leads to more equitable, thorough, and fair investigations for all parties involved - reporting students, responding students, and witnesses alike.

These training requirements merge the requirements from the Department of Education with best practice currently being implemented at many institutions around Oregon⁹. The training requirements in this bill will ensure that all campus-based professionals involved in responding to student reports receive thorough and consistent training on their roles. It also ensures consistency throughout the state - students will know that they can expect to be treated fairly and sensitively no matter what institution they are attending.

Training that meets these requirements is already available both here in Oregon and nationally. The Oregon Attorney General's Sexual Assault Task Force has been providing a yearly Campus Investigator Training since 2015. This 20 hour, 2.5 day training provides investigators with the knowledge and skills they need to conduct investigations, and covers topics including:

- dynamics of sexual violence, dating/domestic violence, stalking and harassment on campus;
- the neurobiology of trauma;
- ensuring equity and confronting bias;
- steps to conducting a thorough investigation from start to finish;
- trauma-informed interviewing techniques;

Consequences in Academic Sciences, Engineering, and Medicine. Washington, DC: The National Academies Press.
<https://doi.org/10.17226/24994>.

⁷ Branch, K. A., & Richards, T. N. (2013). The effects of receiving a rape disclosure: College friends' stories. *Violence against Women*, 19(5), 658-70. DOI: 10.1177/1077801213490509; Eahrens, C., & Campbell, R. (2000). Assisting rape victims as they recover from rape: The impact on friends. *Journal of Interpersonal Violence*, 15(9), 959-986. DOI: 10.1177/088626000015009004

⁸ Hope, J. (2018). Adopt a trauma-informed response to sexual assault investigations. *Campus Security Report*, 14(11) 1-5. Retrieved from <http://web.b.ebscohost.com.proxy.lib.ohio-state.edu/ehost/pdfviewer/pdfviewer?vid=1&sid=dc3d92ea-63a4-4315-af91-e6716fb55f6a%40pdc-v-sessmgr06>; Rich, K., & Seffrin, P. (2012). Police Interviews of Sexual Assault Reporters: Do Attitudes Matter?. *Violence and Victims*, 27(2), 263-279. DOI: 10.1891/0886-6708.27.2.263; National Institute of Justice: Neurobiology of Sexual Assault <https://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/neurobiology-of-sexual-assaults.aspx>

⁹ Office for Civil Rights. (2015). Dear colleague letter on Title IX Coordinators. *United States Department of Education*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>

- understanding and investigating consent;
- documentation and report-writing; and
- Oregon-specific laws and resources.

All of these topics are grounded in trauma-informed, student-centered research and best practice, and are taught by skilled, expert instructors.

Since 2015, SATF has trained over 300 individuals from more than 60 campuses and agencies at this training, including individuals from the following colleges and universities in Oregon:

- Blue Mountain Community College
- Central Oregon Community College
- Chemeketa Community College
- Clackamas Community College
- Clatsop Community College
- Columbia Gorge Community College
- Concordia University
- Eastern Oregon University
- George Fox University
- Klamath Community College
- Lewis & Clark College
- Linfield College
- Linn-Benton Community College
- Mt. Hood Community College
- Multnomah University
- National University of Natural Medicine
- Northwest Christian University
- Oregon Coast Community College
- Oregon College of Oriental Medicine
- Oregon Health & Science University
- Oregon Institute of Technology
- Oregon State University
- Pacific University
- Portland Community College
- Reed College
- Rogue Community College
- Southern Oregon University
- Southwestern Oregon Community College
- Tillamook Bay Community College
- Treasure Valley Community College
- Umpqua Community College
- University of Oregon
- University of Portland
- Western Oregon University
- Willamette University

We also know that many schools have taken advantage of other national trainings offered outside Oregon that cover the same requirements listed in this law. Codifying these training requirements simply ensures that schools continue to seek yearly training for their investigators, adjudicators, and other Title IX-affiliated personnel so that they may continue to serve and support all students on their campuses.

This bill helps ensure that survivors on campuses across Oregon will continue to have access to justice and options. For this reason we urge your support of HB 3415A.

Thank you for the opportunity to submit testimony. I am available for any questions you may have.

Sincerely,



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